REMARKS/ARGUMENTS

Claims 1-18 are pending in the present application. Claims 7 and 10 are amended. Support for the amendment to claim 7 can be found in the specification on page 8, lines 18-19. Support for the amendment to claim 10 can be found in the specification on page 7, lines 19-20. Reconsideration of the claims is respectfully requested.

I.   Request that the Application Be Considered Special

This paper is filed in response to the third Office Action in this case. The first non-final Office Action was mailed on March 15, 2005, the second final Office Action was mailed on July 1, 2005, but was later withdrawn and this third non-final Office Action was mailed on November 16, 2006. Regarding applications pending more than five years or applications under a third or further action the MPEP provides as follows:

> The supervisory patent Examiners should impress their assistants with the fact that the shortest path to the final disposition of an application is by finding the best references on the first search and carefully applying them.
>
> The supervisory patent Examiners are expected to personally check on the pendency of every application which is up for the third or subsequent *>Office< action with a view to finally concluding its prosecution.
>
> Any application that has been pending five years should be carefully studied by the supervisory patent Examiner and every effort >should be< made to terminate its prosecution. In order to accomplish this result, the application is to be considered "special" by the Examiner.

MPEP § 707.02.

Because this application has been pending for more than five years, and because this application is under a third or further action, Applicants request that this application be considered special by the Examiner. Applicants also request that the supervisory patent Examiner carefully study this application and personally carefully consider any future rejections made in this case, as stated by MPEP § 707.02. Applicants further request that the supervisory Examiner make every effort to terminate prosecution by either issuing valid rejections or by allowing the claims.

II.   35 U.S.C. § 112, Second Paragraph

The Examiner rejects claims 7 and 10 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicants regard as the invention. Applicants have amended claims 7 and 10 appropriately to address the rejection. Therefore, the rejection of claims 7 and 10 under 35 U.S.C. § 112, second paragraph has been overcome.

III.   35 U.S.C. § 103, Obviousness

The Examiner rejects claims 1-18 under 35 U.S.C. § 103 as obvious over *Beckett et al.*, System and Method For Visual Application Development Without Programming, U.S. Patent 6,564,368, May 13, 2003, (hereinafter "*Beckett*"). This rejection is respectfully traversed.

In regards to claim 1, the Examiner asserts the following:

> **In regards to claim 1,** Beckett discloses a method of developing a computer system, comprising the computer-implemented steps of:
> defining a first interface associated with a proposed view sub-system and with a proposed business logic sub-system, wherein the proposed view sub-system and the proposed business logic sub-system interact only via the first interface **(Column 1 Lines 24-30, 44-47; Column 3 Lines 1-12, 44-47);**
> defining a second interface associated with a proposed handler sub-system and with the proposed business logic sub-system, wherein the proposed handler subsystem and the proposed business logic sub-system interact only via the second interface **(Column 1 Lines 24-30, 44-47; Column 3 Lines 1-12, 44-47);**
> wherein the proposed view sub-system, the proposed business logic sub-system, and the proposed handler sub-system are all isolated from each other **(Column 1 Lines 44-47; Column 3 Lines 1-12, 44-47);**
> creating the proposed view sub-system in accord with the first interface **(Column 6 Lines 20-27)**; and
> creating the proposed handler sub-system in accord with the second interface **(Column 6 Lines 20-27).**
> Beckett, however, fails to explicitly state the exact arrangement of 3 sub-systems with interfaces between each sub-system.
> However, Beckett does disclose that multiple interfaces can be used to connect multiple objects and that one of ordinary skill in the art would know that there are numerous ways of connecting the sub-systems **(Column 6 Lines 20-27; Column 8 Lines 23-27).** Moreover, it would have been obvious that the sub-systems would be isolated from each other when an interface is placed between them. Further still, it would be obvious that the sub-systems would be in accord with their respected interfaces in order to avoid compatibility issues.
> Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention that using the teachings of Beckett **(specifically Col. 6 L. 20-27 & Col. 8 L. 23-27)** the industry is assured the rapid, high-quality construction of products.

Office Action dated November 16, 2006, pp. 3-4.

III.A.   The Examiner Failed to State a *Prima Facie* Case of Obviousness Because the References Do Not Teach or Suggest All the Features of Claim 1

Regarding claim 1, the Examiner has failed to state a *prima facie* obviousness rejection because the proposed combination does not teach or suggest all of the features of claim 1. A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir.

1993). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). In the case at hand, not all of the features of the claimed invention have been properly considered and the teachings of the references themselves do not teach or suggest the claimed subject matter to a person of ordinary skill in the art.

Claim 1 is as follows:

> 1. A method of developing a computer software system, comprising the computer-implemented steps of:
>
> defining a first interface associated with a proposed view sub-system and with a proposed business logic sub-system, wherein the proposed view sub-system and the proposed business logic sub-system interact only via the first interface;
>
> defining a second interface associated with a proposed handler sub-system and with the proposed business logic sub-system, wherein the proposed handler sub-system and the proposed business logic sub-system interact only via the second interface;
>
> wherein the proposed view sub-system, the proposed business logic sub-system, and the proposed handler sub-system are all isolated from each other;
>
> creating the proposed view sub-system in accord with the first interface; and
>
> creating the proposed handler sub-system in accord with the second interface.

Addressing the rejection of claim 1, the Examiner has failed to state a *prima facie* obviousness rejection because *Beckett* does not teach or suggest all the features of claim 1. For example, *Beckett* does not teach the features "defining a *first* interface associated *with a proposed view sub-system and with a proposed business logic sub-system*, wherein the proposed view sub-system and the proposed business logic sub-system interact only via the first interface and defining a *second* interface associated *with a proposed handler sub-system and with the proposed business logic sub-system*, wherein the proposed handler sub-system and the proposed business logic sub-system interact only via the second interface" as recited in claim 1. The Examiner erroneously asserts otherwise, citing to the following portion of *Beckett*:

> Programs are created from instructions of a programming language that are accumulated into the program's source code. The source code controls presentation, interfaces, and logic. A programmer authors source-code and compiles it into processor machine code utilizing a compiler compatible with both the source code's language and target processor.

Beckett, col. 1, lines 24-30.

Applications are constructed from one or more programs. Programmers write source code leveraging interfaces that enable disparate programs to interact with each other and provide greater utility.

Beckett, col. 1, lines 44-47.

These connections between classes are defined within a visual environment. The relationships can be programmatically attached by name to object instances during program execution. Because these relationships are stored in a resource and are dynamically bound by name to the objects, they can be created and modified without requiring the source code of the objects being associated to be changed. This eliminates hard coded dependencies between objects that impede reuse of the objects in other contexts. This type of program requires meta-data, full dynamic binding and probing support in the objects being connected with the invention.

Beckett, col. 3, lines 1-12.

Therefore, the present invention permits business logic, data translations, expressions, and other algorithms to be visually modeled using the interface manager and its dynamic properties as well as the Connection Editor.

Beckett, col. 3, lines 44-47.

Beckett teaches a method for visual application development without programming. The above cited portions state that programs are created from instructions of a programming language that are accumulated into the program's source code. The source code determines the presentation, interfaces, and logic. The source code is then compiled into machine code. Disparate programs then interact with each other through interfaces to form an application. These connections between classes are defined within a visual environment without requiring the source code of the objects being associated to be changed.

Beckett's method for visual application development without programming does not teach or suggest the features of claim 1. *Beckett* broadly states that business logic, data translations, expressions, and other algorithms can be visually modeled using the interface manager. Applications are constructed by connecting the properties of desired programs using the Connection Editor graphically without any source code programming (*Beckett*, Summary). However, *Beckett* does not teach the feature "defining a *first* interface *associated with a proposed view sub-system and with a proposed business logic sub-system*" as recited in claim 1. *Beckett*'s disclosure makes no reference to defining a first interface *associated with a proposed view sub-system and with a proposed business logic sub-system*. Thus, *Beckett* also does not suggest defining a first interface associated with a proposed view sub-system and with a proposed business logic sub-system as recited in claim 1.

Additionally, *Beckett* does not teach the second step of defining a *second* interface associated *with a proposed handler sub-system and with the proposed business logic sub-system,* wherein the

proposed handler sub-system and the proposed business logic sub-system interact only via the second interface" as recited in claim 1. Again, *Beckett* broadly states that business logic, data translations, expressions, and other algorithms can be visually modeled using the interface manager. However, *Beckett* makes no reference to defining a *second* interface associated *with a proposed handler sub-system and with the proposed business logic sub-system*. Furthermore, *Beckett* makes no mention of a handler subsystem anywhere in *Beckett*'s disclosure. Therefore, *Beckett* also does not teach or suggest this feature as recited in claim 1.

In addition *Beckett* does not teach the feature "wherein the proposed view sub-system, the proposed business logic sub-system, and the proposed *handler sub-system* are all isolated from each other." The Examiner mistakenly cites the above quoted passages of *Beckett* as teaching this feature. However, neither the above portion nor any other portion of *Beckett* teaches a proposed handler sub-system. Consequently, *Beckett* also does not teach or suggest this feature as recited in claim 1.

Moreover, because *Beckett* does not teach or suggest the first three features of claim 1, *Beckett* inherently also does not teach or suggest the remaining features "creating the proposed view sub-system in accordance with the *first interface* and creating the proposed *handler sub-system* in accordance with the *second interface*." Accordingly, the Examiner has failed to state a *prima facie* obviousness rejection of claim 1.

Similarly, because claims 11 and 14 recite similar features as claim 1 and were rejected for the same reason as claim 1, the same distinctions between cited references *vis-à-vis* claim 1 applies to claims 11 and 14. Because claims 2-10, 12, 13, and 15-18 depend from claims 1, 11, and 14, the Examiner has failed to state a *prima facie* obviousness rejection of the claims at least by virtue of their dependency. Furthermore, claims 2-10, 12, 13, and 15-18 recite features not taught or suggested by *Beckett*. For example, claim 2 states defining a third interface associated with the proposed view sub-system and with the proposed handler sub-system and creating the proposed view sub-system in accord with both the first and third interfaces. Because *Beckett* does not teach or suggest the feature of a *handler sub-system*, *Beckett* also does not teach or suggest the feature of defining a *third* interface associated with the proposed view sub-system and with the proposed *handler sub-system* as recited in claim 2. Therefore, under the standards of *In re Lowry*, the Examiner has failed to state a *prima facie* obviousness rejection against claim 2.

For the same reasoning, the Examiner has failed to state a *prima facie* obviousness rejection against claims 4, 7, 8, and 9. Therefore, the rejection of claims 1-18 under 35 U.S.C. § 103 has been overcome.

III.B. **The Examiner Failed to State a *Prima Facie* Case of Obviousness Because the Examiner Failed to Provide a Proper Teaching, Suggestion, or Motivation to Modify *Beckett***

A proper *prima facie* case of obviousness cannot be established by combining the teachings of the prior art absent some teaching, incentive, or suggestion supporting the combination. *In re Napier*, 55 F.3d 610, 613, 34 U.S.P.Q.2d 1782, 1784 (Fed. Cir. 1995); *In re Bond*, 910 F.2d 831, 834, 15 U.S.P.Q.2d 1566, 1568 (Fed. Cir. 1990). In the case at hand the examiner has failed to establish a proper teaching, incentive, or suggestion supporting the combination and no such teaching, incentive, or suggestion exists. *In regards to a possible teaching, suggestion, or motivation to modify Beckett, the examiner states that:*

> *Beckett*, however, fails to explicitly state the exact arrangement of 3 sub-systems with interfaces between each sub-system. However, *Beckett* does disclose that multiple interfaces can be used to connect multiple objects and that one of ordinary skill in the art would know that there are numerous ways of connecting the sub-systems (Column 6 Lines 20-27; Column 8 Lines 23-27). Moreover, it would have been obvious that the sub-systems would be isolated from each other when an interface is placed between them. Further still, it would be obvious that the sub-systems would be in accord with their respected interfaces in order to avoid compatibility issues.
>
> Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention that using the teachings of *Beckett* (specifically Col. 6 L. 20-27 & Col. 8 L. 23-27) the industry is assured the rapid, high-quality construction of products.

Office Action dated November 16, 2006, p. 4.

However, despite the examiner's attempt to state the contrary, the examiner has implicitly admitted that no pre-existing reason exits to modify *Beckett* to achieve the invention of claim 1. The examiner states that, "*Beckett*, however, fails to explicitly state the exact arrangement of 3 sub-systems with interfaces between each sub-system." The examiner then states, "that one of ordinary skill in the art would know that there are *numerous ways* of connecting the sub-systems" (emphasis supplied).

Assuming, *arguendo*, that these and other statements made by the examiner are accurate – which they are not – the examiner's statements on their face prove that no reason exists to modify *Beckett* to achieve the invention of claim 1. Because one of ordinary skill knows that *numerous ways* exist to connect subsystems, one of ordinary skill also knows that *no reason exists to assume that any one particular combination of connections should be adopted.* For this reason, no basis exists to assume that the particular arrangement of the three sub-systems in claim 1 should be adopted solely in view of *Beckett's* disclosure. Therefore, the examiner has implicitly admitted that no teaching, suggestion, or motivation exists to modify *Beckett* to achieve the invention of claim 1.

Certainly, the examiner offers no reason why one of ordinary skill would find the *particular claimed combination* obvious in view of *Beckett*. Instead, the examiner only offers a nebulous statement regarding the "obvious" presence or arrangement of the claimed features in view of *Beckett*. In view of the fact that the examiner provides no basis whatsoever that the particular claimed arrangement would be obvious, the examiner failed to provide a proper teaching, suggestion, or motivation to modify *Beckett* to achieve the invention of claim 1.

Furthermore, the examiner has asserted an overly-broad reason as a motivation to modify *Beckett*. The examiner states that modifying *Beckett* to achieve the invention of claim 1 would be obvious because, "the industry is assured the rapid, high-quality construction of products." However, this statement is overly-broad to serve as a proper teaching, suggestion, or motivation to modify *Beckett* to achieve *the specific invention of claim 1*. For example, the examiner's proposed teaching, suggestion, or motivation to modify *Beckett* is already achieved by *Beckett*. *Beckett* already provides a method for "assuring" rapid, high-quality construction of products. Thus, under the examiner's reasoning, *Beckett* is already complete and one of ordinary skill would have no reason to modify *Beckett* to achieve the specific invention of claim 1.

The examiner has offered no *specific* reason to modify *Beckett* to achieve the *specific* invention of claim 1. Instead, the examiner has made generalizations that are too broad to provide a reason why one of ordinary skill would find claim 1 obvious in view of *Beckett*. Thus, the examiner has failed to state a proper teaching, suggestion, or motivation to combine the references. Accordingly, the examiner has failed to state a *prima facie* obviousness rejection against claim 1.

IV. <u>Conclusion</u>

The subject application is patentable over *Beckett* and should now be in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: <u>February 12, 2007</u>

Respectfully submitted,

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